

SCANNED

DATE: 2/1/05

BY: MR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTSFILED
CLERKS OFFICE2005 FEB -1 P 2:30
Civil Action No. 04-11531 RGSU.S. DISTRICT COURT
DISTRICT OF MASS.FAFARD REAL ESTATE &
DEVELOPMENT CORP.,

Plaintiff,

vs.

METRO-BOSTON BROADCASTING,
INC.,

Defendant,

CORRECTION TO AFFIDAVIT OF MARY
HELLER HALCOMB

I, Mary Heller Halcomb, depose and say:

1. In recently reviewing my previously filed affidavit in support of defendant's special motion to dismiss and in opposition to plaintiff's motion to endorse lis pendens, I noticed an inadvertent error, which I would like to correct.

2. In paragraph 14 of my affidavit, the fourth sentence should read: "Hannert told me that Fafard would not be able to develop the site at all unless Fafard could get access from Sewall Road." In the same paragraph, the sixth sentence should read: "Fafard needed primary access from Sewall Road, without which Fafard would not be able to do anything with the land."

3. As corrected, paragraph 14 of my affidavit should read as follows:

On May 19, 2003, I received a fax from Fafard (Exhibit G) informing me that Fafard "need[ed] written confirmation" that Fafard would have access between Sewall Road and the "land we have under agreement." This fax explained that the "Tri Street access [is] unusable." This fax came at around the same time Janice Hannert from Fafard told me that Fafard was unable to access the site through Tri Street because the part of the site fronting on Tri Street was wetlands. Hannert told me that Fafard would not be able to develop the site at all unless Fafard could get access from Sewall Road. In other words, as I came to understand it in 2003, Fafard did not simply want a secondary means of access from Sewall Road, as I had previously thought. Fafard needed primary access from Sewall Road, without which

Fafard would not be able to do anything with the land.

SIGNED under the pains and penalties of perjury this 31st day of January 2005.

A handwritten signature in cursive script, appearing to read "Mary Heller Halcomb", written over a horizontal line.

Mary Heller Halcomb

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